

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CHARLES ZIEGENFUSS, DAVID MONTGOMERY,  
BRIAN ROBINSON, and FIREARMS POLICY  
COALITION, INC.,

*Plaintiffs,*

v.

CIVIL ACTION NO. 4:24-cv-01049-P

STEVEN C. McCRAW, in his official capacity as  
Director and Colonel of the Texas Department of  
Public Safety,

*Defendants.*

**APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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Dated: April 16, 2025

Respectfully submitted,

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\*Admitted *pro hac vice*

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# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CHARLES ZIEGENFUSS, DAVID MONTGOMERY,  
BRIAN ROBINSON, and FIREARMS POLICY  
COALITION, INC.,

*Plaintiffs,*

v.

CIVIL ACTION NO. 4:24-cv-01049-P

STEVEN C. McCRAW, in his official capacity as  
Director and Colonel of the Texas Department of  
Public Safety,

*Defendants.*

**DECLARATION OF CHARLES ZIEGENFUSS IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Charles Ziegenfuss, declare:

1. I am over 18 years old. I am competent to give this declaration. I have personal knowledge of the matters set forth below and would be able to testify to them if called as a witness.

2. I am a resident of Wise County, Texas, an adult over the age of 21, and a citizen of the United States. I am a law-abiding gun owner and is not prohibited under state or federal law from acquiring or possessing firearms or ammunition. I possess a license to carry a handgun issued by the Texas Department of Public Safety.

3. As a Plaintiff in this action, I am aware that we are challenging three subdivisions of Texas law that ban carrying firearms in several public places. Specifically, Texas Penal Code § 46.03 (“Section 46.03”) criminalizes possession of firearms at, among other locations: (a) businesses where alcohol accounts for 51% of the business’ sales, (b) racetracks, and (c) sporting events. Plaintiffs bring this suit to challenge Section 46.03’s carry ban in those three locations (the “Carry Bans”).

4. The Carry Bans have deprived me of my Second Amendment protected right to carry firearms in public for self-defense. I own a semiautomatic pistol that I generally carry for self-defense purposes when going about my day-to-day life. Put simply, I prefer to carry a firearm for personal self-defense at all times and in all locations. Texas’ Carry Bans, however, prevent me from doing so. But for the Carry Bans, I would carry in each of the prohibited locations as described below, but I have refrained from doing so for fear of prosecution for violating the law.

5. For example, I regularly visit so-called “51%” businesses and must disarm myself—either by leaving home without a firearm or by securing my firearm in my vehicle—while doing so because of § 46.03(a)(7)’s Carry Ban. I would like to carry my personal firearm for self-defense to “51%” businesses and would not consume alcohol while doing so.

6. Furthermore, I have elected not to attend sporting events because of Section § 46.03(a)(8)’s Carry Ban. But for the prohibition, I would attend sporting events while carrying my personal firearm for self-defense.

7. I similarly will not go to racetracks because I am prohibited from carrying a firearm

under § 46.03(a)(4), but I would do so if he were permitted to carry my personal firearm for self-defense.

8. I am a member of Firearms Policy Coalition.

I declare under penalty of perjury under the laws of the United States America and State of Texas that the foregoing is true and correct.

Executed on 4/15/2025.

 Signed by:  
A3003758320E45B...

Charles Ziegenfuss

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CHARLES ZIEGENFUSS, DAVID MONTGOMERY,  
BRIAN ROBINSON, and FIREARMS POLICY  
COALITION, INC.,

*Plaintiffs,*

v.

CIVIL ACTION NO. 4:24-cv-01049-P

STEVEN C. McCRAW, in his official capacity as  
Director and Colonel of the Texas Department of  
Public Safety,

*Defendants.*

**DECLARATION OF BRIAN ROBINSON IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Brian Robinson, declare:

1. I am over 18 years old. I am competent to give this declaration. I have personal knowledge of the matters set forth below and would be able to testify to them if called as a witness.

2. I am a resident of Kaufman County, Texas, an adult over the age of 21, and a citizen of the United States. I am a law-abiding gun owner and is not prohibited under state or federal law from acquiring or possessing firearms or ammunition. I possess a license to carry a handgun issued by the Texas Department of Public Safety.

3. As a Plaintiff in this action, I am aware that we are challenging three subdivisions of Texas law that ban carrying firearms in several public places. Specifically, Texas Penal Code § 46.03 (“Section 46.03”) criminalizes possession of firearms at, among other locations: (a) businesses where alcohol accounts for 51% of the business’ sales, (b) racetracks, and (c) sporting events. Plaintiffs bring this suit to challenge Section 46.03’s carry ban in those three locations (the “Carry Bans”).

4. The Carry Bans have deprived me of my Second Amendment protected right to carry firearms in public for self-defense. I own a semiautomatic pistol that I generally carry for self-defense purposes when going about my day-to-day life. Put simply, I prefer to carry a firearm for personal self-defense at all times and in all locations. Texas’ Carry Bans, however, prevent me from doing so. But for the Carry Bans, I would carry in each of the prohibited locations as described below, but I have refrained from doing so for fear of prosecution for violating the law.

5. For example, I routinely refuse to visit so-called “51%” businesses because of § 46.03(a)(7)’s Carry Ban. I would like to carry my personal firearm for self-defense to “51%” businesses and would not consume alcohol while doing so.

6. Furthermore, I have elected not to attend sporting events because of Section § 46.03(a)(8)’s Carry Ban. But for the prohibition, I would attend sporting events while carrying my personal firearm for self-defense.

7. I am a member of Firearms Policy Coalition.

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I declare under penalty of perjury under the laws of the United States America and State of Texas that the foregoing is true and correct.

Executed on 4/15/2025.

DocuSigned by:  
  
D156C093A61340C...

Brian Robinson

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CHARLES ZIEGENFUSS, DAVID MONTGOMERY,  
BRIAN ROBINSON, and FIREARMS POLICY  
COALITION, INC.,

*Plaintiffs,*

v.

CIVIL ACTION NO. 4:24-cv-01049-P

STEVEN C. McCRAW, in his official capacity as  
Director and Colonel of the Texas Department of  
Public Safety,

*Defendants.*

**DECLARATION OF DAVID MONTGOMERY IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, David Montgomery, declare:

1. I am over 18 years old. I am competent to give this declaration. I have personal knowledge of the matters set forth below and would be able to testify to them if called as a witness.

2. I am a resident of Palo Pinto County, Texas, an adult over the age of 21, and a citizen of the United States. I am a law-abiding gun owner and is not prohibited under state or federal law from acquiring or possessing firearms or ammunition. I possess a license to carry a handgun issued by the Texas Department of Public Safety.

3. As a Plaintiff in this action, I am aware that we are challenging three subdivisions of Texas law that ban carrying firearms in several public places. Specifically, Texas Penal Code § 46.03 (“Section 46.03”) criminalizes possession of firearms at, among other locations: (a) businesses where alcohol accounts for 51% of the business’ sales, (b) racetracks, and (c) sporting events. Plaintiffs bring this suit to challenge Section 46.03’s carry ban in those three locations (the “Carry Bans”).

4. The Carry Bans have deprived me of my Second Amendment protected right to carry firearms in public for self-defense. I own a semiautomatic pistol that I generally carry for self-defense purposes when going about my day-to-day life. Put simply, I prefer to carry a firearm for personal self-defense at all times and in all locations. Texas’ Carry Bans, however, prevent me from doing so. But for the Carry Bans, I would carry in each of the prohibited locations as described below, but I have refrained from doing so for fear of prosecution for violating the law.

5. For example, I regularly visit so-called “51%” businesses and must disarm myself—either by leaving home without a firearm or by securing my firearm in my vehicle—while doing so because of § 46.03(a)(7)’s Carry Ban. I would like to carry my personal firearm for self-defense to “51%” businesses and would not consume alcohol while doing so.

6. Furthermore, I have elected not to attend sporting events because of Section § 46.03(a)(8)’s Carry Ban. But for the prohibition, I would attend sporting events while carrying my personal firearm for self-defense.

7. I am a member of Firearms Policy Coalition.

I declare under penalty of perjury under the laws of the United States America and State of Texas that the foregoing is true and correct.

Executed on 4/15/2025.

Signed by:  
David Montgomery  
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David Montgomery

# EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CHARLES ZIEGENFUSS, DAVID MONTGOMERY,  
BRIAN ROBINSON, and FIREARMS POLICY  
COALITION, INC.,

*Plaintiffs,*

v.

CIVIL ACTION NO. 4:24-cv-01049-P

STEVEN C. McCRAW, in his official capacity as  
Director and Colonel of the Texas Department of  
Public Safety,

*Defendants.*

**DECLARATION OF BRANDON COMBS IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Brandon Combs, declare:

1. I am over 18 years old. I am competent to give this declaration. I have personal knowledge of the matters set forth below and would be able to testify to them if called as a witness.

2. I am the President and Founder of Firearms Policy Coalition, Inc. ("FPC"), a Plaintiff in this action. I am authorized to testify on behalf of FPC as to matters set forth in this Declaration.

3. I have personal knowledge of the facts stated herein. I have held the elected position of president of FPC since the organization was founded in 2014. As its President, I am duly authorized to act on behalf of the organization.

4. FPC is a nonprofit membership organization incorporated in Delaware with a primary place of business in Clark County, Nevada. FPC works to create a world of maximal human liberty and freedom and to promote and protect individual liberty, private property, and economic freedoms. It seeks to protect, defend, and advance the People's rights, especially but not limited to the inalienable, fundamental, and individual right to keep and bear arms and protect the means by which individuals may exercise the right to carry and use firearms. FPC serves its members and the public through legislative advocacy, grassroots advocacy, litigation and legal efforts, research, education, outreach, and other programs.

5. FPC brings this action on behalf of itself, its members, supporters who possess all the indicia of membership, and similarly situated members of the public, including Plaintiffs Ziegenfuss, Montgomery, and Robinson who are adversely and directly harmed by Defendant's enforcement of the laws, regulations, policies, practices, and customs challenged herein. But for Defendant's enforcement of the laws and regulations challenged herein, FPC's members in Texas would carry a firearm outside the home for lawful purposes including self-defense in the challenged locations.

I declare under penalty of perjury under the laws of the United States America and State of Texas that the foregoing is true and correct.

Executed on 4/15/2025.

  
Signed by:  
Brandon Combs

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 16, 2025, a true and correct copy of the foregoing document and all supporting documents filed concurrently therewith were served via the Court's CM/ECF system to all counsel of record.

/s/ Bradley A. Benbrook  
Bradley A. Benbrook